

**HIGHLAND BOARD OF ZONING APPEALS**  
**Minutes of the Meeting of**  
**June 28, 2017**

The Highland Board of Zoning Appeals met on June 28, 2017 in the meeting room of the Municipal Building, 3333 Ridge Road, Highland IN. Mrs. Murovic called the meeting to order at 6:30 p.m. The meeting opened with the Pledge of Allegiance led by Mr. Mileusnich

**ROLL CALL:** Present Mr. Helms, Mr. Mileusnich, Mr. Martini and Mrs. Murovic. Also present Attorney Jared Tauber, Building Commissioner Mr. Ken Mika and Town Council Liaison Steve Wagner. Absent Mr. Grzynski

**MINUTES:** The minutes of the May 24, 2017 were approved as posted.

**ANNOUNCEMENTS:** The next meeting of the Board of Zoning Appeals to be July 26, 2017 at 6:30 pm.

**COMMUNICATION:** None

**Old Business: Approval of Findings of Fact for** Vyto's Pharmacy, 8845 Kennedy Ave., represented by Nathan Damasius, 6949 Kennedy Ave., Hammond, IN requesting a variance to exceed sign allowance {HMC 18.85.080 (G)(2)(a) Each occupancy shall be permitted a maximum of one sign. Mr. Martini motioned to approve the Findings of Fact. Mr. Mileusnich seconded and unanimously passed with a roll call vote of 4-0.

**Public Hearing for** Brian Revere, 8937 Grace St., requesting a variance to exceed accessory structure allowance to build an additional garage. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Revere and his wife Jill introduced themselves. Mr. Revere distributed packets of information regarding his proposed variance request.

Mr. Mileusnich asked if the structure would be for a business or storage and Mr. Revere replied just storage.

The Revere's are requesting to build an additional accessory "Kwanza Hut" style garage that is 20'x28'x12' – 550 sq. ft. They would remove a shed that is currently on their property towards the middle of their lot and put the additional garage where the shed was located. The Revere's also have an existing garage that is 24' x 30'. The Revere's own adjoining lots which total almost two (2) acres of land.

They state their hardship is they need additional storage for their tools, mowers and an antique car.

Mrs. Murovic opened up the Public Hearing.

Mr. Chuck Wimmer of 9127 Kleinman, asked why the Revere's wanted to build a "Kwanza Hut" garage as opposed to a traditional style garage.

The Revere's replied construction cost and the Kwanza hut style provided a complete clear span across the interior, there would be no cross bracing across the roof to obstruct storage on the inside. The Revere's also noted due to the hut's height and where it would be located on their property, the structure would not be seen from the road.

Mr. Revere also stated that regarding the exterior of the structure that the front could be sided with either cedar or vinyl siding to make it look more traditional.

Mr. Michael Kane of 9004 Grace St. asked for confirmation regarding the Revere's using the structure strictly for storage and not as a business. Mr. Revere replied the use would only be for storage, no business.

Mrs. Murovic closed the Public Hearing.

Mr. Helms asked what kind of road access would there be for the proposed garage. Mr. Revere replied it is gravel.

Mr. Mika informed Mr. Revere that the road to access the garage would have to be either concrete or asphalt. Mr. Revere replied they could make the road asphalt.

Mr. Mileusnich referenced the Revere's current garage as being (2) two story and asked what the upper story of the garage was used for. Mr. Revere replied just storage.

Mr. Martini noted the proximity of the Revere's neighbors and asked if the neighbors were aware of what the Revere's were proposing to construct. Mr. Revere replied yes.

Mr. Martini noted he has concerns regarding the "Kwanza Hut" style of the proposed garage and that as a neighbor to the Revere's, perhaps they would prefer a more traditional garage style. Mr. Martini thought the style of the proposed garage looked more like it belonged in an industrial park as opposed to being in a neighborhood.

Mr. Mileusnich inquired as to the height of the proposed garage and Mr. Revere replied his ultimate goal would be to install a lift inside the garage.

Mr. Mileusnich asked if there would be only the one door and Mr. Revere replied he may have an additional 6' door installed to get the mowers in and out.

Mr. Martini referenced a friend of his that has a corvette with a lift in his garage, which is a standard height and style. Mr. Revere replied his antique car is a 41 Plymouth and his vehicle is taller than a Corvette.

Mr. Mika referenced Mr. Revere's comment regarding the lift in the proposed garage and asked if the lift would be one that lift's the vehicle or one that would lift an engine. Mr. Revere replied one that would lift the whole vehicle so he could work under it. Mr. Mika wanted to inform Mr. Revere that the use of his garage and lift would be allowed strictly for personal use and storage and not any kind of business use.

Mr. Martini referenced the style of proposed structure once more and felt it just did not match a neighborhood style. Mrs. Revere spoke of siding the front of the structure to make it match the house and the side view of the garage would not be seen from the street. Mrs. Murovic asked if

the side of the garage could be ordered in another color to match the front. The Revere's replied they did not think so. Mrs. Revere mentioned the only people who would be able to see the side of the structure would be their neighbor to the north and that neighbor has no objection.

Mr. Helms motioned to approve the accessory structure request. There was no second motion so the motion died.

Mr. Martini motioned to deny the variance request. Mr. Mileusnich seconded. The roll call vote was taken. Mr. Martini and Mr. Mileusnich voted to approve the motion. Mrs. Murovic and Mr. Helms voted no which resulted in a No Action motion.

Mr. Tauber recommended continuing the Public Hearing to next month as there may be all five members attending the meeting the following month.

Mr. Revere asked if next month the vote failed would perhaps changing their plans to a different style garage would that be acceptable.

Mr. Helms responded they could not say they would have to wait and see, but Mr. Martini did say his issue was with the style of the proposed garage. Mrs. Murovic suggested having alternative plans for July's meeting.

The Revere's Public Hearing was continued to the July 26, 2017 meeting.

**Public Hearing for Jim Rauer, 9160 Kleinman Rd., Highland, IN requesting to build a garage which would exceed accessory structure allowance. {HMC 18.05.060 (F)(5)} In Zoning District R-1A, R-1, R-2, or R-3. The summation of the gross floor area of all accessory structures shall not exceed the gross floor area of the principal structure, or 720 square feet, whichever is less.**

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Rauer distributed packets of information regarding his variance request, which had a FEMA map, a plat and a proposed diagram of what he might build as his garage. He then introduced himself. He states he has been a lifelong resident of Highland, has a business in Highland and is a member of the Highland Chamber of Commerce. His request is to build a garage which exceeds the accessory structure allowed square footage.

Mr. Rauer referenced flood zone maps he was in possession of at his preliminary hearing, did some research and found that his maps were outdated. Mr. Rauer believes from his research that his home is no longer in the Floodway Zone. He is on a waiting list with FEMA Engineers to find out exactly where his property structures lie regarding the flood zone.

Mr. Rauer's current garage would be razed and he would like to build a 1200 sq. ft. garage closer to his home, which would bring the garage out of the flood way. He would like to have the garage doors facing towards his home for security reasons as his property is on a busy street and when his garage doors are open his garage possessions are exposed to the traffic on his street.

Mr. Rauer is requesting a larger garage to store his many tools, machinery to help with upkeep of his (4) four acres along with his vehicle.

Mr. Rauer believes his new garage will also make his property look better.

Mrs. Murovic opened up the Public Hearing.

Mr. Chuck Wimmer of 9127 Kleinman commented he likes Mr. Rauer's plan of building a new garage. However Mr. Wimmer has issues with where Mr. Rauer would like to construct his garage. He believes the garage should be set back further. Mr. Rauer replied the structure would be built 16 feet from the build line of his house. Mr. Wimmer misunderstood Mr. Rauer's plans, as Mr. Wimmer thought Mr. Rauer was going to keep his current garage and build another garage. Mr. Wimmer then appeared to be okay with where Mr. Rauer's garage would be built.

Mr. Mika spoke that Mr. Rauer was meeting ordinance standards with where Mr. Rauer was proposing to build his garage.

Mrs. Murovic closed the Public Hearing.

Mr. Mileusnich asked if the building was for storage or for business. Mr. Rauer replied storage only. Mr. Mileusnich asked how many levels the garage would have. Mr. Rauer replied (1) level and he may store items in the attic.

Mrs. Murovic asked for clarification of the garage's height. It was determined it would be 12 feet in height and would be 1200 sq. ft. Mr. Martini mentioned he was concerned at first with the proposed square footage but realized Mr. Rauer is on 4 acres of land. Mr. Martini referenced the proposed garage was galvanized steel and ask what color Mr. Rauer would paint it. Mr. Rauer replied he would like to paint it to match the color of his house.

Mrs. Murovic asked if the structure was also known as a pole barn and Mr. Rauer replied yes. Mrs. Murovic asked if Mr. Rauer had considered building a traditional style garage. Mr. Rauer replied he wanted to build an FBI structure as he likes the looks of them. He referenced an FBI structure that was built up the street from him and stated he would use that builder to build his structure.

Mr. Martini asked if Mr. Rauer would have utilities in the garage and Mr. Rauer replied yes, gas & electric.

Mr. Helms motioned to approve the variance request. Mr. Martini seconded and unanimously passed with a roll call vote of 4-0.

**Public Hearing for** View Outdoor Advertising, represented by Matt Felder, LLC 1000 E 80<sup>th</sup> Pl., 700N, Merrillville, IN 46319 and Attorney Jim Wieser, 429 W. Lincoln Highway, Schererville, IN 46375 requesting a Use Variance at the location of 8200 Indianapolis Blvd. to construct an 10' x 36' – 360 sq. ft. (2) two sided LED Outdoor Advertising Structure. {HMC 18.85.020 (E) Signs, advertising/billboard, or any signs advertising a business, product, service or event not available on the premises where the sign is located.

Mr. Tauber stated that the Proofs of Publication were in compliance with IC 5-3-1.

Mr. Wieser introduced himself and Mr. Felder.

Mr. Weiser gave a quick history to a Use Variance request of several years back that View Advertising had approached the BZA to construct sign structures at (2) locations. One which was

approved by the overpass on Rte. 41 and the other being denied, which is the site location they are seeking the Use Variance for today.

Mr. Weiser states that some time has passed and now View Outdoor Advertising has had numerous discussions with the owners of the property which is the Petrites' family.

Mr. Weiser states there are (6) acres of land on the west side of US 41 where Stan's Bait shop is located and where Arzumanian's used to be. He states the majority of the property is owned by the Petrites' family. He said there is also some property that is railroad property and has gone through the tax sale process and has never been purchased by anybody.

Mr. Weiser states there has been many negotiations and the View Outdoor Advertising is acquiring that property. He said there have been conversations with the Town Council and the Redevelopment Committee as to the Town's interest in the balance of the property.

Mr. Weiser states they are here tonight to seek an approval for an outdoor advertising structure which is 10' x 36' and probably 35 to 40' in height. He states he knows that the View will have to come back for developmental variances, but that they have been working diligently with the Town to make the area an attractive gateway to the community. Mr. Weiser has been working with Attorney Rhett Tauber to get that agreement worked out and they are very close to having all those items agreed to.

Mr. Weiser states that part of the negotiations is to donate part of the property to the Town. The second part is they have been working with the County Commissioners to make sure they can convey the railroad property to the Town so that ultimately the Town would own all (6) acres. He states the View would have an easement on the far north side of the Petrites' property to place their sign. He believes it would not have any detrimental impact as the closest residents are across the street on the east side of US 41 back into Wicker Park Estates. He states the location of where they would like to put the sign is all commercial and properly zoned for this consideration.

Mr. Weiser states that's why the View is here to seek approval from the BZA under those circumstances and conditions. He also states it is conditional with ultimate approval from the Town.

He feels there are practical difficulties in the use of the property as the way the property is configured and how it currently exists that there is really nothing else that could be located there that would meet current setback requirements for anything of a commercial nature that would be appropriate or attractive.

Mr. Weiser again stated the reasons the View was there to request a Use Variance and that they would be back later to request a developmental variance for the height and size of the sign.

Mr. Felder spoke to the matter that the View is related to the WhiteCo Company and they've had potential buyers look at that property for assisted living and other uses and the property really is a difficult piece of property with many challenges. He states the property is at an angle, he believes there may be some wetlands in there, railroad beds and a flooding issue. So he is of the opinion there is not much that can be done with that property at all. He feels that the Use Variance request is the best use for that property.

Mrs. Murovic opened up the Public Hearing. Hearing no remonstrances the Public Hearing was closed.

Mr. Helm's asked if Stan's Bait Shop and Arzumanian's would all go away. Mr. Weiser replied yes, that was part of the agreement that the structures would be razed and the ground would be leveled.

Mr. Martini asked what type of sign would be constructed and Mr. Weiser replied it would be a (2) sided LED sign.

Mr. Helms motioned to make a favorable recommendation for the Use Variance contingent upon View Outdoor Advertising, LLC and the Town of Highland, by and through its Town Council, entering into an agreement setting forth all the details of the transaction wherein View Outdoor Advertising, LLC conveys the Petrites property and three railroad parcels (approximately 6 acres inclusive), and also agree upon written commitments of View Outdoor Advertising, LLC, to the Town of Highland pursuant to I.C. 36-4-7-1015. Mr. Martini seconded and it unanimously passed with a roll call vote of 4-0.

**Continued Preliminary Hearing for Ken Hay, 9337 Farmer Dr. request a variance for minimum lot size requirements for width and side yard setback from 7.5' to 5' for potential residential property to be built on vacant lot for the location of 9337Farmer Dr. {HMC18.15.060(C)(1)(a)}** Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 8,400 square feet and a minimum width of 70 feet at the building line, and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 8,400 square feet in area or less than 70 feet in width, or 120 feet in depth, may only be improved by a variance from the board of zoning appeals. HMC18.15.060(H)(1) } For One-Family Detached Dwellings. On a lot improved with a one-family detached dwelling, a side yard shall be provided along each side lot line. No side yard shall be less than eight feet in width in an R-1A district, and seven and one-half feet in width in an R-1 district.

Mr. Hay introduced himself. He apologized for missing last month's meeting as there was a miscommunication regarding what preliminary plans he felt he needed to attend the meeting which he did not have at that time.

Mr. Hay is requesting to build a single family residence on the property located at 9337 Farmer Dr. Mr. Hay states that in December of last year there was a substantial fire in the single family existing home which destroyed the residence. He states that since then the property has been removed and leveled.

He is requesting (2) variances. One is for the lot width, as the width is only 55' feet wide and the lot width requirement is 70' in width and the 2<sup>nd</sup> request is for the setbacks. The setbacks are currently 5' and the minimum requirement is 7.5'.

Mr. Hay is hoping to build a SFR. He is not sure if there will be a basement. It would be (3) bedroom, (2) bath with a (2) car garage. He states preliminary plans are not available at this time. But he is working with Tim Devries for construction of the home and preliminary plans will be available later this month or early next month.

Mrs. Murovic mentioned that next month Mr. Hay should bring in his survey with an indication of where he would like to put the house.

Mr. Helms motioned to grant the Public Hearing. Mr. Martini seconded and unanimously passed with a roll call vote of 4-0.

**Preliminary Hearing for** Jovan Lozevski, 521 Cochran Dr., Crown Point, IN, 46375 requesting a variance for minimum lot size requirement for overall lot size, width and side yard setback from 7.5' to 5', for potential residential property to be built on vacant lot for the location of 3144 Condit Ave. {HMC 18.15.060 (C)1(a)} Every one-family detached dwelling hereafter erected and every transitional use permitted in this zoning district hereafter established shall be on a zoning lot having a minimum area of 8,400 square feet and a minimum width of 70 feet at the building line, and a minimum lot depth of 120 feet. A lot of record existing on the effective date of the ordinance codified in this title which is less than 8,400 square feet in area or less than 70 feet in width, or 120 feet in depth, may only be improved by a variance from the board of zoning appeals. {HMC 18.15.060 (H)(1) For One-Family Detached Dwellings. On a lot improved with a one-family detached dwelling, a side yard shall be provided along each side lot line. No side yard shall be less than eight feet in width in an R-1A district, and seven and one-half feet in width in an R-1 district.

Mr. Lozevski introduced himself. He is requesting a Public Hearing for a (3) variances. One for minimum lot size of 62.5'x 125', side yard setback of 7.5' to 5' and a minimum width of lot from 70' to 62.5'. Mr. Lozevski has Torrenga Engineering working on his survey and if all goes as planned he should have his floor plans by the next meeting.

Mr. Helms asked if Mr. Lozevski would live here or rent or sell it. Mr. Lozevski said he would be selling it.

Mr. Martini motioned to grant the Public Hearing request. Mr. Helms seconded and it unanimously passed with a roll call vote of 4-0.

**BUSINESS FROM THE FLOOR:**

**ADJOURNMENT: Motion: Mr. Martini Second: Mr. Helms Time: 7:25**